



General Assembly

January Session, 2005

Raised Bill No. 1299

LCO No. 4422

04422_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

***AN ACT CONCERNING THE EXTENSION OF MEDICAL
MALPRACTICE INSURANCE COVERAGE UPON RETIREMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-394 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) [Every] Each professional liability insurance policy issued on a
4 claims-made basis delivered, issued for delivery or renewed in this
5 state on or after October 1, 1978 shall contain (1) a provision for the
6 purchase of prior acts coverage, and (2) a contractual right of the
7 insured to purchase at any time during the policy period and not later
8 than thirty days after termination of such policy period equivalent
9 coverage for all claims occurring during an insured policy period
10 regardless of when made.

11 (b) Each professional liability insurance policy issued to a physician
12 or surgeon, hospital, advanced practice registered nurse or physician
13 assistant in this state that contains a contractual right to prior acts
14 coverage upon an individual's retirement, with or without the
15 payment of premium, shall be enforceable against an insurer that

16 discontinues offering such policy in this state prior to the individual's
17 retirement, provided the policy is in force on the date the insurer
18 discontinues offering the policy. The insurer shall provide such
19 coverage upon retirement in the same manner as if the insurer
20 continued offering such policy in this state.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	38a-394
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Statement of Purpose:

To require insurers who discontinue offering medical malpractice insurance policies in this state to honor policy clauses that obligate the insurer to provide coverage for prior acts upon the retirement of the health care provider.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]